



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,451	04/13/2001	Richard A. Quattrocchi	209895	2930
22908 7590 04/25/2007 BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			EXAMINER MORGAN, ROBERT W	
			ART UNIT 3626	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			04/25/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/834,451	Applicant(s) QUATTROCCHI ET AL.	
	Examiner Robert W. Morgan	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/23/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 84-105 is/are pending in the application.
- 4a) Of the above claim(s) 1,44,63,68,75 and 79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 84-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II including claims 21 and added claims 84-105 in the reply filed on 2/23/06 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

Notice to Applicant

2. This communication is in response to the amendment filed 2/23/07. Claims 1, 44, 62, 68, 75 and 79 have been withdrawn. Claim 21 and 84-105 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 84-95 and 98-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,509,064 to Welner in view of U.S. Patent No. 6,222,919 to Hollatz et al.

As per claim 21, Welner teaches a testing system, a method for routing a plurality of incoming inquiries initiated by a plurality of users, said users submitting test specimens for evaluation to a testing facility, each of said users being associated with a personal identification code, said personal identification code being associated with a code database comprising a plurality of codes in which at least one subset of said plurality of codes is associated with a code lot, the method comprising the steps of:

Art Unit: 3626

--the claimed receiving an inquiry initiated by one of said users is met by the client-caller (120, Fig. 1) requesting information about test results (see: column 4, lines 66 to column 5, lines 3);

--the claimed prompting said user to transmit said personal identification code is met by the caller handler and routing system (110, Fig. 1) prompting the client-caller supply a unique PIN (see: column 5, lines 3-8);

--the claimed receiving said personal identification code is met by the caller handler and routing system (110, Fig. 1) receiving the PIN and transmitting to the host computer (150, Fig. 1) (see: column 5, lines 8-10);

--the claimed in any order querying said user as to whether said user desires counseling is met by client-callers placing calls to call handler and routing system (110, Fig. 1) in order to obtain general information or for other reasons are transferred to a customer service representative (CRS) (see: column 4, lines 61-65). The Examiner considers a caller trying to receive general information and then being transferred to a CRS equivalent to a user having a desire to be counseled;

--the claimed routing said inquiry to said counselor is met by a selected caller handler chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51). In addition, Welner teaches a host computer system (150,

Art Unit: 3626

Fig. 1) that includes information such as a list of valid PIN's in the PIN status and result databases (see: column 4, lines 25-50, column 7, lines 3-5).

Welner fails to teach the claimed determining whether said personal identification code input by said user corresponds to a code lot;

--the claimed from among a plurality of counselors, including at least one counselor associated with said lot, selecting a counselor associated with said lot if said personal identification code is determined to be associated with said lot.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill groups (reads on "code lot") (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the identification code associated with a code lot and selecting a handler associated with that code lot as taught by Hollatz et al. within the call routing and handling system as taught by Welner et al. with the motivation of improving automatic call distribution and grouping available agents to caller, in a timely fashion according to their specific needs (see: Hollatz et al.: column 1, lines 63-67).

Art Unit: 3626

As per claim 84, Welner teaches the claimed step of providing counseling to said user. This limitation is met by client-callers placing calls to call handler and routing system (110, Fig. 1) in order to obtain general information or for other reasons are transferred to a customer service representative (CRS) (see: column 4, lines 61-65). The Examiner considers a caller trying to receive general information and then transferred to a CRS equivalent to a user being counseled.

As per claim 85, Welner teaches a host computer system (150, Fig. 1) that includes information such as list of valid PIN's in the PIN status and result databases (see: column 4, lines 25-50, column 7, lines 3-5).

Welner fails to explicitly teach database includes a plurality of code lots.

Hollatz et al. teaches a method and automatic call distribution system where agents are grouped into skill groups (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). In addition, Hollatz et al. teach a memory device (304, Fig. 3) that stores detected unavailable agents until the unavailable agents become available (see: column 2, lines 54-56).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 21, and incorporated herein.

As per claim 86, Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner fails to explicitly teach the claimed at least two of said code lots are exclusive of common codes.

Art Unit: 3626

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill groups (reads on “code lot”) (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 21, and incorporated herein.

As per claim 87, Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner fails to explicitly teach the claimed at least one code lot, said plurality of counselors includes a plurality of counselors associated with said code lot, said method further including the step of selecting a counselor from among the plurality of counselors associated with said lot.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill groups (reads on “code lot”) (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator

Art Unit: 3626

representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 1, and incorporated herein.

As per claim 88, Welner teaches the claimed said plurality of counselors for said lot includes at least one live counselor and at least one automated counselor. This feature is met by the automated call handler and routing system (110, Fig. 1) that uses recorded message to inform the client (120, Fig. 1) about test result information prior to sending the call to a live-counselor (140, Fig. 1) (see: column 4, lines 4-15). Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

As per claim 89, Welner teaches the claimed inquiry is made via electronic communication. This limitation is met by the client-caller (120, Fig. 1) supplying a unique PIN to system (110, Fig. 1) via the touch-tone buttons on the telephone of client-caller (120, Fig. 1) (see: column 5, lines 3-7 and 19-25).

As per claim 90, Welner teaches the claimed counseling is provided to said user via electronic communication. This feature is met when it is determined that a PIN supplied by the client-caller (120, Fig. 1) is not recognized by the host computer (150, Fig. 1) the system (110, Fig. 1) automatically transfer the call to a customer service representatives (140, Fig. 1) (see: column 5, lines 9-19).

Art Unit: 3626

As per claim 91, Welner teaches the claimed wherein some of the codes in said database are not associated with a lot, said plurality of counselors including at least one non-lot-specific counselor. This feature is met when it is determined that a PIN supplied by the client-caller (120, Fig. 1) is not recognized by the host computer (150, Fig. 1) the system (110, Fig. 1) automatically transfer the call to a customer service representatives (140, Fig. 1) (see: column 5, lines 9-19).

As per claim 92, Welner teaches the claimed said plurality of counselors including a plurality of non-lot-specific counselors, the method including the step of selecting one of said non-lot-specific counselors if it is determined that said personal identification code input by said user is not associated with a lot. This feature is met when it is determined that a PIN supplied by the client-caller (120, Fig. 1) is not recognized by the host computer (150, Fig. 1) the system (110, Fig. 1) automatically transfer the call to a customer service representatives (140, Fig. 1) (see: column 5, lines 9-19 and Fig. 1).

As per claim 93, A method according to claim 21, wherein said code database comprises a plurality of code lots, wherein at least one of said plurality of counselors is associated with plural code lots.

As per claim 94, Welner teaches the claimed wherein said specimen is a medical specimen and said evaluation is a medical evaluation. This limitation is met by the client (120, Fig. 1) providing a specimen of blood using a test-kit to the testing laboratory (130, Fig. 1) (see: column 3, lines 7-13).

As per claim 95, Welner teaches the claimed wherein said evaluation is an evaluation for HIV. This limitation is met by the client (120, Fig. 1) providing a specimen of blood using an HIV test-kit to the testing laboratory (130, Fig. 1) (see: column 3, lines 7-13).

As per claim 98, Welner teaches the claimed said plurality of one common counselor provided with code lot, wherein said step of selecting a counselor comprises selecting instructions for said common counselor counselors comprises at least instructions associated with said counselor comprises selecting instructions for said common counselor. This limitation is met by a selected caller handler being chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51). In addition, Welner teaches in the event that a caller-client (120, Fig. 1) requests help at step 230 the system (110, Fig. 1) transfers the call to CSR for further handling (see: column 8, lines 7-11). Furthermore, Welner teaches at step 230, that once the caller-client (120, Fig. 1) indicates to the CSR that help is needed the call is further processed at step 240 (see: column 8, lines 16-21). This suggests that the CSR transfers the call according to proper protocol or instructions to the next step for further processing.

As per claim 99, Welner teaches the claimed inquiry is received prior to submission of a test specimen This feature is met by the automated call handler and routing system (110, Fig. 1) that uses recorded message to inform the client (120, Fig. 1) about test result information prior to sending the call to a live-counselor (140, Fig. 1) (see: column 4, lines 4-15)..

As per claim 100, Welner teaches the claimed wherein said inquiry is received prior to providing test result information to the user. This feature is met by the automated call handler and routing system (110, Fig. 1) that uses recorded message to inform the client (120, Fig. 1)

Art Unit: 3626

about test result information prior to sending the call to a live-counselor (140, Fig. 1) (see: column 4, lines 4-15).

As per claim 101, Welner teaches the claimed wherein user is queried as to whether said user desires counseling after said user has received test result information. This limitation is met at step 266, where after a recorded message stating the test result information the caller is given the opportunity to chose from a list of recorded topics or to speak further with a live counselor (see: column 9, lines 55-60).

As per claim 102, Welner teaches the claimed said user is anonymously identified by one of said personal identification codes. This limitation is met by system (100, Fig. 1) that retrieves and provides test results to each individual client (120, Fig. 1) based only on a unique personal identification number associated with the client's at-home test kit (see: column 3, lines 11-15).

As per claim 103, Welner teaches the claimed wherein said personal identification code is associated with the test specimen submitted by said user. This limitation is met by system (100, Fig. 1) that retrieves and provides test results to each individual client (120, Fig. 1) based only a unique personal identification number associated with the client's at-home test kit (see: column 3, lines 11-15).

As per claim 104, Welner teaches the claimed user has a different personal identification code that is associated with user-identifying information. This limitation is met by the identity (e.g. name, address, telephone number) of each client (120, Fig. 1) (see: column 3, lines 17-22). The Examiner considers a telephone number to be at least a different identification code associated with the user name and address or user-identifying information.

Art Unit: 3626

As per claim 105, Welner teaches the claimed personal identification code is not associated with user-identifying information. This limitation is met by each test card purchased by a client (120, Fig. 1) has a unique multi-digit personal identification number (PIN) pre-printed on the card (see: column 3, lines 30-32).

5. Claims 96-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,5092,064 to Welner in view of U.S. Patent No. 6,222,919 to Hollatz et al. as applied to claims 21 and 94 above, and further in view of U.S. Patent No. 5,890,492 to Elmatch.

As per claims 96-97, Welner and Hollatz et al. teach the client (120, Fig. 1) providing a specimen of blood using a test-kit to the testing laboratory (130, Fig. 1) (see: Welner: column 3, lines 7-13).

Welner and Hollatz et al. fail to explicitly teach the claimed evaluation is an evaluation for hepatitis and environmental evaluation and specimen is an environmental specimen.

Elmatch teaches a method of controlling the spread of HIV/AIDS and other infectious diseases that includes a testing process that includes blood tests or other specific tests which identify diseases such as HIV/AIDS, syphilis, gonorrhea, chlamydia, herpes, hepatitis and the like (see: column 2, lines 19-23).

Therefore, it would have been obvious to a person of ordinary skill in art at the time the invention was made to include evaluation for hepatitis and environmental as well as the specimen is an environmental specimen as taught by Elmatch with the system of Welner and Hollatz et al. with the motivation of preventing the spread of infectious disease by providing an easily-accessible information database which provides status information to individuals who

Art Unit: 3626

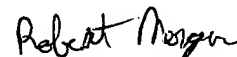
participate thereby minimizing the risk of becoming infected (see: Elmalch: column 1, lines 50-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Morgan
Patent Examiner
Art Unit 3626